

REMARKS/ARGUMENTS

This Amendment and Response is responsive to the Office action dated January 17, 2007, setting forth a shortened one-month statutory period with two-month extension of time for reply expiring April 17, 2007. This response is submitted on April 17, 2007; thus, a petition and fee for a two-month extension of time accompany this Amendment and Response.

The Assignee thanks the Examiner for reviewing this application and issuing an Office action.

Prior to entry of this Amendment and Response, claims 1-54 are pending in the application, with claims 1, 13, 20, 28, 37 and 39 being independent claims. In this Amendment and Response, claim 13 is amended, claims 55-57 are added, and claims 1-12, 20-49 and 51-54 are cancelled. Accordingly, after entry of this Amendment and Response, claims 13-19, 50, and 55-57 are pending, with claim 13 being an independent claim.

I. Restriction Requirement

The Examiner asserts five independent or distinct inventions are claimed in this application:

- a. Group 1, claims 1-12 and 49, drawn to a first cloth layer (elastic), a second cloth layer (elastic), a first foam layer (elastic) and a first foam pad (inelastic);
- b. Group II, claims 13-19 and 50, drawn to a first cloth layer (elastic), a second cloth layer (elastic and inelastic), a first foam layer (elastic) and a first foam pad;
- c. Group III, claims 20-27, 37, 38, 51 and 53, drawn to a first cloth layer (elastic), a second cloth layer (elastic), a first foam layer (elastic and through hole) and a first foam pad (inelastic);
- d. Group IV, claims 28-36 and 52, drawn to a first cloth layer (elastic and inelastic), a second cloth layer (elastic and inelastic) and a first foam layer (elastic); and

- e. Group V, claims 39-48 and 54, drawn to a first cloth layer (elastic), a second cloth layer (elastic), a first foam layer (elastic) and a first foam pad and seam.

Accordingly, the Examiner requires the Assignee to elect one group of claims for prosecution on the merits. The Assignee hereby elects without traverse the claims in Group II. Accordingly, claims 1-12, 20-49 and 51-54 are cancelled. The Assignee reserves the right to pursue the non-elected claims in a divisional or other application claiming priority to this application.

II. Amended Claim

Claim 13 is amended to remove the recitation of the first foam layer coupled to the first cloth layer "opposite the garment facing side and the second cloth layer opposite the body facing side." Claim 13 is also amended to correct a typographical issue by replacing "has" with "having". Since each amendment either broadens the scope of claim 13 by removing a recited limitation or corrects a typographical issue, these amendments are not narrowing amendments.

III. New Claims

New claims 55 and 56 are similar to cancelled claims 10 and 11 but depend from claim 13. Support for new claims 55 and 56 may be found at least in Fig. 5 and in paragraphs 30 and 31. New claim 57 recites the limitation removed from amended claim 13. Support for this new claim may be found at least in claim 13 as originally filed, and at least in Fig. 5 and in paragraph 30. The Assignee respectfully submits each new claim, which depends directly or indirectly from claim 13, falls within elected Group II, and thus respectfully requests examination of these new claims on the merits.

IV. Conclusion

After entry of the above listing of claims and remarks, claims 13-19, 50, and 55-57 remain in the application. In accordance with the amendments and arguments set forth herein, the Assignee respectfully submits all claims are in a condition for examination, and requests issuance of an action on the merits.

This Amendment and Response is filed with a Petition for a Two-month Extension of Time, and a request to charge Deposit Account No. 04-1415 for the extension of time in the

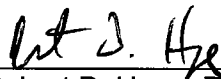
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amount of \$225.00. The Assignee believes no further fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this as authorization therefor and please charge such fees to Deposit Account number 04-1415.

Should any issues remain that the Examiner believes may be dealt with in a telephone conference, she is invited to contact the undersigned at 303-629-3400.

Signed this 17th day of April, 2007.

Respectfully submitted,



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